

### **REMARKS/ARGUMENTS**

These remarks are made in response to the Office Action of October 5, 2007 (Office Action). As this response is timely filed within the 3-month shortened statutory period, no fee is believed due. However, the Examiner is expressly authorized to charge any deficiencies to Deposit Account No. 50-0951.

### **Claims Rejections – 35 USC § 112**

Claims 1-22 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. More specifically, it was asserted in the Office Action that the applicant fails to successfully delineate what the term "affinity" used in the claims is.

The term "affinity" is clearly defined in paragraph [0017] of the specification as a similarity between two or more user sessions. Therefore, the "affinity" does not refer to any application available to the users, but rather to a similarity or a common characteristic among Internet user sessions, which can be identified in order to establish a communication pathway among the user sessions having the similarity or common characteristic.

In view of the above, Applicants respectfully request that the claim rejections under 35 U.S.C. § 112, second paragraph, be withdrawn.

### **Claims Rejections – 35 USC § 101**

Claims 11-20 were rejected under 35 U.S.C. § 101 because the claims fail to place the invention within one statutory class of invention. More specifically, it was asserted in the Office Action that on paragraph 14 of the instant specification, Applicants have provided evidence that Applicants intend the "medium" to include signals, and thus the claims are drawn to a form of energy, which is not one of the four categories of invention.

First, after reading paragraph 14 of the Specification, it is not clear how "applicant has provided evidence that applicant intends the 'medium' to include signals."

Second, it is noted that a "machine-readable storage" is interchangeable with a "computer-readable medium." According to MPEP 2106.01I, a computer-readable medium encoded with a data structure or a computer program defines structural and functional interrelationship between the data structure or the computer program and the computer software and hardware or the rest of the computer which permits the data structure or computer program's functionality to be realized, and is thus statutory.

Claims 21-22 were rejected under 35 U.S.C. § 101 because the claims lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101. It was further asserted in the Office Action that claims 21-22 are, at best, functional descriptive material *per se*.

It is noted that claims 21-22 recite a system which consists of different means or modules and thus has the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101. Also, the system recited in claims 21-22 is not a functional descriptive material *per se*; rather it consists of different means or modules which can be implemented as hardware or a combination of hardware and software.

In view of the above, Applicants respectfully request that the claim rejections under 35 U.S.C. § 101 be withdrawn.

### **Claims Rejections – 35 USC §§ 102 & 103**

Claims 1-2, 6-12, and 16-22 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 6,308,212 to Besaw, *et al.* (hereinafter Besaw).

Claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Besaw in view of U.S. Patent 5,392,400 to Berkowitz, *et al.* (hereinafter Berkowitz).

Claim 4 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Besaw in view of Berkowitz.

Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Besaw in view of Berkowitz.

Although Applicants respectfully disagree with the rejections, Applicants have amended the claims so as to expedite prosecution of the present Application by emphasizing certain aspects of the invention. However, such amendments should not be interpreted as the surrender of any subject matter, and Applicants expressly reserve the right to present the original version of any of the amended claims in any future divisional or continuation applications from the present application.

Applicants have amended the claims to further emphasize certain aspects of the invention. As discussed herein, the claim amendments are fully supported throughout the Specification. No new matter has been introduced by the claim amendments.

### **Aspects of the Claims**

It may be helpful to reiterate certain aspects recited in the claims prior to addressing the cited references. One aspect of the invention, as typified by amended Claim 1, is a method for creating user groups in a network environment.

The method can include identifying at least one affinity among a plurality of user sessions, each associated with a different user, and responsive to the affinity identification, prompting a plurality of users of user sessions having the identified affinity to engage in communication. See, e.g., Fig. 2 and Specification, paragraphs [0021].

### **The Claims Define Over The Prior Art**

Besaw discloses a method for the sharing of session environment information between session applications during a Web user interface session. More specifically, the user first performs a login to the session during which the user name and password are

entered by the user. If the user is validated, the Web user interface session is initiated and the session properties of the environment of the session are defined. An initial session application of the session is opened, based on the universal resource locator (URL) submitted by the user to the web browser to initiate the session. Any applications that are subsequently opened during the Web user interface session from the initial session application will share the session properties of the environment. The sharing of environmental information between session applications allows for a consistent user interface to be presented to the user during the session. See column 1, line 52 to column 2, line 10 of Besaw.

However, Besaw does not disclose identifying at least one affinity among a plurality of user sessions because Besaw only concerns the consistency of the user interface during one user session. Besaw also does not disclose prompting a plurality of users to engage in communication or presenting a user interface to at least one user responsive to the affinity identification. In Besaw, the sharing of the information is among session applications during one user session for the purpose of presenting a consistent user interface, not among different user sessions of different users for the purpose of establishing communication among user sessions with the identified affinity as in the present invention. Clearly, the subject matter of Besaw has nothing to do with the subject matter of the present invention.

The independent claims 1, 10-11, and 20-22 are, therefore, believed to be patentable over Besaw and since all the dependent claims are ultimately dependent on the independent claims, they are believed to be patentable as well.

In view of the above, Applicants respectfully request that the claim rejections under 35 U.S.C. §§ 102 & 103 be withdrawn.

### **CONCLUSION**

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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